

**Court of Appeals, State of Michigan**

**ORDER**

In re Frank Z Adell Trust

Docket No. 289123

LC No. 2008-319178-TV

Elizabeth L. Gleicher  
Presiding Judge

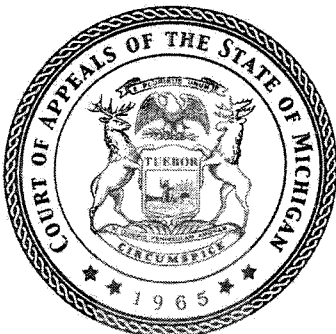
E. Thomas Fitzgerald

Deborah A. Servitto  
Judges

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The Court orders that appellees' motions for immediate consideration are GRANTED.

The Court orders that appellees' emergency motions to dismiss this appeal are GRANTED and the appeal is DISMISSED. The probate court's November 24, 2008, order is not a final order as defined by MCR 5.801(B)(1)(v); it does not resolve a matter of surcharging a fiduciary. Therefore, this Court is without jurisdiction to consider respondent-appellant's appeal of right. MCR 7.203(A).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

DEC 11 2008

Date

*Sandra Schultz Mengel*  
Chief Clerk